IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Bail Appl..No. 6674 of 2007()

CRIME NO.250/07 OF KUNNAMANGALAM POLICE STATION

: PETITIONER/ACCUSED NO.1

ALIKOYA K.P.,S/O.MOIDEEN KOYA,
AGED 53 YEARS, RESIDING AT 'ASMAS'
VATTOLI BAZAR, P.O. BALUSSERI.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA THROUGH THE
SUB INSPECTOR OF POLICE
KUNNAMANGALAM POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6674 of 2007

Dated this the 5th day of November, 2007

ORDER

Application for anticipatory bail. The petitioner is the 1st accused. Altogether there are 2 accused persons. The co-accused has not been identified so far. The crux of the allegations is that the petitioner's daughter had attended a driving school. She wanted to secure a driving licence. She failed in the test. When the petitioner was informed about that, he allegedly proceeded on a motor cycle along with the 2nd accused. They reached the teacher of the driving school. There was allegedly a push and pull. All the 3 fell down. The co-accused who went along with the petitioner allegedly took a stone and inflicted an injury on the victim. He suffered injuries including a fracture of the meta carpel bone. The incident took place on 5.10.07. The victim was admitted to the hospital on 5.10.07. The F.I statement is seen lodged only on 10.10.07. The investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that going by the allegations in the wound certificate as also the statements recorded of some eye witnesses, there was no assault using any weapon. Even assuming that the allegations were believed in toto, it

only shows that all the 3 involved in the incident fell down. The 2nd accused took a stone and allegedly used the same against the defacto complainant. The petitioner did not admittedly wield any weapon. There was no intention for anyone when the incident started to mount an attack with any dangerous weapon. In these circumstances, the learned counsel for the petitioner prays that the petitioner may be granted anticipatory bail.

3. The learned Public Prosecutor does not oppose the application and in the facts and circumstances of the case, I am satisfied that the petitioner can be granted anticipatory bail. Appropriate conditions can of course be imposed.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 12.11.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 13.11.2007 and 14.11.07. During these period, the Investigating

Officer shall be entitled to interrogate the petitioner in custody and take all necessary steps for the investigation of the crime. Thereafter the petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays for a period of 2 months and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 12.11.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 12.11.07.

(R.BASANT, JUDGE)

rtr/-